



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

CARL C. KLING
P.O. BOX 305
HAWTHORNE, NY 10532-0305

Paper No. 19

COPY MAILED

AUG 04 2003

OFFICE OF PETITIONS

In re
Robert W. Brown and Bruce A. Kade
Reissue Application No. 09/585,788
Filing Date: June 5, 2000
Reissue of Patent No. 5,759,606
Original Issue Date: June 2, 1998
Attorney Docket No. RE-001

LETTER

This is in response to the Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b), filed July 23, 2003.

This is not a decision on the merits of that petition. Rather, this letter is drafted in response to petitioner's assertions therein that indicate that the petition under § 1.137(b) is also being submitted both to revive application No. 09/585,788 and to reinstate patent No. 5,759,606, which petitioner states has expired for failure to pay the 3 ½ year maintenance fee.

Petitioner is advised that the instant petition under § 1.137(b) is not the proper venue for requesting reinstatement of a patent for failure to pay maintenance fees. Nor does the instant petition include a separate section establishing that the requirements under § 1.378 for acceptance of a ~~the~~ delayed payment of the maintenance fee have been met. Accordingly, it is requested that petitioner submit a separate petition meeting the requirements of 37 CFR § 1.378(b) or (c), as appropriate, in order to reinstate the patent. Petitioner is further reminded that any such petition should be filed promptly, as petitioner is required to also show that the entire delay in filing the petition under § 1.378 was either unintentional or unavoidable (It is unnecessary to await a decision on the petition under § 1.137(b)).

After mailing of this letter, the application file is being returned to the undersigned for consideration of the petition under § 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

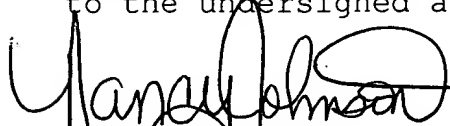
By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 308-6916
Attn: Office of Petitions

Attn: Nancy Johnson

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA

Telephone inquiries related to this decision should be directed
to the undersigned at (703) 305-0309.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a long, sweeping horizontal line extending to the right.

Nancy Johnson
Petitions Attorney
Office of Petitions